

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Tony B. Gaskins,

Plaintiff,

v.

Dr. Carl Singletary, et al.,

Defendants.

Civil Action  
No. 05-10858-GAO

FILED  
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U.S. DISTRICT COURT  
DISTRICT OF MASS.

**PLAINTIFF'S VERIFIED MOTION FOR AN ORDER FOR  
PROPER PENS TO FILE PLEADINGS IN THIS ACTION**

Now comes the Plaintiff, Tony B. Gaskins, moves this Honorable court to order defendants Lisa Mitchell and John Marshall, to provide "proper pens" to him to file pleadings in various courts for the following reasons:

1. On or about December 28, 2004, prison staff has been giving Plaintiff what is called "soft pens," which is a tube of ink wrapped in a plastic, jelly-like wrap with the tip of a pen at the bottom. See attached Exhibit of the Soft Pen.

2. When Plaintiff tries to write with the pen, it bends as if trying to write with a drawing straw. One cannot put pressure on the "soft pen" at all or it bends and the tip turns away from the paper. Mr. Gaskins has to construct the pen in order to stabilize it enough to write with. This makes the pen "contraband" and is confiscated by prison officials.

3. The pens are "lacking" and inadequate to prepare

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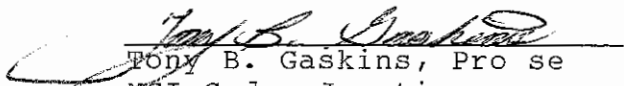
lengthy filings and have been found to be "wanting" in at least two cases. See Matthews v. Allen, U.S.D.C. No. 01-CV-11910-RWZ, February 28, 2005; Hudson v. Marshall, et al., U.S.D.C. No. 00-CV-12404-RGS, both orders to provide each plaintiff with a regular pen. See attached Exhibits.

4. Plaintiff respectfully asks this Court to examine the pen Mr. Gaskins has attached as an exhibit for this court to decide for itself whether these pens are suitable for the type and volume of work Gaskins is required to prepare. Moreover, its hard to write with and it injures the writing hand.

#### CONCLUSION

As reasons stated herein, Gaskins prays this motion is granted.


Respectfully Submitted,

  
Tony B. Gaskins, Pro se  
MCI-Cedar Junction  
P.O. Box 100  
South Walpole, Ma. 02071

Dated: 12/8/05

#### CERTIFICATE OF SERVICE

I, Tony B. Gaskins, certify that I caused a copy of the foregoing to be served on: Jody T. Adams. Department of Correction, Legal Division, 70 Franklin Street, Suite 600, Boston, Ma. 02110-1300, by first class mail, postage prepaid.

  
Tony B. Gaskins, pro se

Dated: 12/8/05

#### VERIFICATION

I, TONY B. GASKINS, VERIFY THE FACTS  
STATED HEREIN ARE TRUE AND ACCURATE.

  
TONY B. GASKINS

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 01-11910-RWZ

LLOYD MATTHEWS

v.

PETER ALLEN, et al.

ORDER

February 28, 2005

ZOBEL, D.J.

Plaintiff moves yet, again, for paper and pens to carry on his litigational activities. Defendants oppose.

Paper (# 109 on the court's docket). Plaintiff asks for an order that defendants provide him with white, lined paper 8 ½ by 11", instead of the yellow larger size he has been receiving. He appends to his pleading a letter from the Clerk of the Massachusetts Superior Court insisting that he submit letter-size paper. Defendants remind the court that when it last ordered them to provide plaintiff with one pad of paper per week, it did not specify any particular color or size but did state that the order applied only to this proceeding, not all of plaintiff's cases.

I now reiterate the earlier order. Defendants shall provide plaintiff with one pad of paper per week. The paper shall be white, lined and of letter size, namely, 8 ½ by 11".

Pen (# 112 on the docket). Plaintiff complains that recently defendants have

supplied him with "soft pens" which are inadequate to the volume of legal work with which plaintiff is engaged. Defendants offered to provide the court with a sample pen for testing, which offer the court accepted. It has now tried the pen and finds it wanting. Defendants may file a further response to plaintiff's motion by March 14, 2005.

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DATE

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RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE

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U.S. DISTRICT COURT  
DISTRICT OF MASS

"SOFT PEN" EXHIBIT

